

RFW AP4

TRANSMITTAL OF APPEAL BRIEF (Large Entity)

Docket No.  
5-027US-FF

Re Application Of:

Application No.  
09/805,978

Filing Date  
March 15, 2001

Examiner  
Hewitt II, Calvin L.

Customer No.  
21254

Group Art Unit  
3621

Confirmation No.

Invention: **IMAGE ORDERING SYSTEM AND METHOD**


COMMISSIONER FOR PATENTS:

Transmitted herewith in triplicate is the Appeal Brief in this application, with respect to the Notice of Appeal filed on  
**September 26, 2005**

The fee for filing this Appeal Brief is: **\$500.00**

- ☒ A check in the amount of the fee is enclosed.
- ☐ The Director has already been authorized to charge fees in this application to a Deposit Account.
- ☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. **50-0481**
- ☐ Payment by credit card. Form PTO-2038 is attached.

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

  
Signature

Dated: **November 23, 2005**

John J. Dresch, Esq., Registration No. 46, 672  
Sean M. McGinn, Esq., Registration No. 34,386

McGinn Intellectual Property  
Law Group, PLLC  
8321 Old Courthouse Road, Suite 200  
Vienna, Virginia 22182-3817  
Customer No. 21254

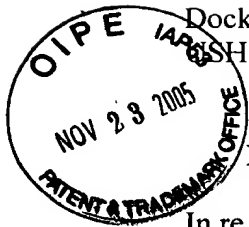
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.9(a)] on

(Date)

Signature of Person Mailing Correspondence

Typed or Printed Name of Person Mailing Correspondence

CC:



Docket No. 5-027US-FF  
SH.018

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of

Yoshinori Ohta

Serial No.: 09/805,978

Group Art Unit: 3621

Filed: March 15, 2001

Examiner: Hewitt II, Calvin L.

For: IMAGE ORDERING SYSTEM AND METHOD

Honorable Commissioner of Patents  
Alexandria, VA 22313-1450

**APPELLANT'S BRIEF ON APPEAL**

Sir:

Appellant respectfully appeals the final rejection of claims 1-14, 16, 17, and 19-33 in the Office Action dated May 24, 2005. A Notice of Appeal was timely filed on September 26, 2005.

**I. REAL PARTY IN INTEREST**

The real party in interest is FUJI PHOTO FILM CO., LTD., assignee of 100% interest of the above-referenced patent application.

**II. RELATED APPEALS AND INTERFERENCES**

There are no other appeals or interferences known to Appellant, Appellant's legal representative or Assignee which would directly affect or be directly affected by or have a bearing on the Board's decision in this appeal.

11/25/2005 SZEWDIE1-00000069 09805978  
01 FC:1402 500.00 OP

### **III. STATUS OF CLAIMS**

Claims 1-14, 16, 17, and 19-33, all of the claims in the Application, are set forth fully in the attached Appendix.

Claims 1-14, 16, 17, and 19-33 stand rejected on prior art grounds.

Particularly, claims 1-7, 11-14, 16, 17, and 19-33 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Freedman (U.S. Patent No. 4,839,829) in view of Hartman, et al. (U.S. Patent No. 5,960,411). Claims 8-10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Freedman in view of Hartman, and further in view of Greulich, et al. (U.S. Patent No. 6,018,338).

Appellant respectfully appeals the rejections of claims 1-7, 11-14, 16, 17, and 19-33 under 35 U.S.C. § 103(a) as being unpatentable over Freedman in view of Hartman, and claims 8-10 under 35 U.S.C. § 103(a) as being unpatentable over Freedman in view of Hartman, and further in view of Greulich, which are the sole issues in this Appeal.

### **IV. STATUS OF AMENDMENTS**

A Response (i.e., Request for Reconsideration) under 37 C.F.R. § 1.116 was filed on August 11, 2005. No claims were amended. An Advisory Action mailed September 19, 2005 held all of the pending claims (i.e., claims 1-14, 16, 17, and 19-33) unpatentable.

A Notice of Appeal was filed timely on September 26, 2005.

Therefore, the claims are pending as set forth in the Appendix.

## V. SUMMARY OF THE CLAIMED SUBJECT MATTER

The claimed invention is directed to an image ordering system and a method of an image ordering system.

The claimed invention, as defined for example, by independent claims 1, 14, 16, 17, 19, and 22, is capable of determining, on the basis of correspondence data, which of the plurality of second client computers is *affiliated with* the orderer specified by the orderer data.

Thus, the claimed invention can transmit the image specifying data and the orderer specifying data to an *affiliated* second client computer out of a plurality of second client computers.

In other words, when there are a plurality of second client computers, the correspondence data can be transmitted accurately from the center server to an *affiliated* one of the plurality of second client computers, wherein an *affiliated* second client computer out of a plurality of second client computers is determined by the corresponding data transmitted from the first client computer (e.g., see specification at page 6, lines 2-13, and page 20, lines 1-16).

For example, with reference to Figure 1, in an illustrative, non-limiting aspect of an image ordering system as defined by independent claim 1, a center server (e.g., 1), a first client computer (e.g., 40) for an orderer, and a plurality of second client computers (e.g., 40) for a laboratory. The center server (e.g., 1), the first client computer (e.g., 40), and the plurality of second client computers (e.g., 20) are capable of communicating data

with one another (e.g., see specification at page 14, lines 5-13; see also page 6, lines 2-13).

The first client computer (e.g., 40) includes an input unit for inputting data that specifies an image to be printed, and a first transmitting unit for transmitting, to the center server, the image specifying data that is input from the input unit and data specifying the orderer (e.g., see Figure 1; see specification at page 14, lines 21-25; see also page 17, lines 14-17).

With reference to Figure 2, the center server (e.g., 1) includes a memory (e.g., 7) for storing correspondence data in advance (e.g., see Figures 4-13), the correspondence data representing which of the plurality of second client computers (e.g., 20) is affiliated (e.g., see specification at page 15, lines 15-21) with the first client computer (e.g., 40) of the orderer (e.g., see Figures 4-13), a first receiving unit (e.g., 3) for receiving the image specifying data and the orderer specifying data transmitted from the first transmitting unit of the first client computer (e.g., 40), a determination unit (e.g., 4) for determining, on the basis of the correspondence data, which of the plurality of second client computers (e.g., 20) is affiliated with the orderer specified by the orderer data received by the first receiving unit (e.g., included in 3), and a second transmitting unit (e.g., included in 3) for transmitting the image specifying data and the orderer specifying data, which has been received by the first receiving unit (e.g., included in 3), to one of the plurality of second client computers that has been determined by the determination unit in association with each other.

With reference to Figure 3, one of the plurality of second client computers (e.g., 20) includes a second receiving unit (e.g., included in 23) for receiving the image specifying data and the orderer specifying data transmitted from the second transmitting unit (e.g., included in 3) of the center server (e.g., 1), and a first alerting unit (e.g., 24 and 25 in Figure 3) for giving notice of information regarding an image specified by the image specifying data and of an orderer represented by the orderer specifying data, which items of data have been received by the second receiving unit (e.g., 23).

With reference again to Figure 2, in another exemplary aspect of the invention, as defined for example by claim 2, the center server (e.g., 1) further includes a transmit controller for controlling the second transmitting unit to transmit the image data and the orderer specifying data to the second client computer that has been determined by the determination unit (e.g., see specification at page 14, lines 21-28, and page 15, lines 1-2; see also page 15, lines 15-21).

With reference to Figures 1, 2 and 22-27, in another exemplary aspect of the invention, as defined for example by claim 3, the center server (e.g., 1) further includes an image database (e.g., 6 in Figure 2) storing image data, and the first client computer (e.g., 40) includes a display controller (e.g., see Figures 1 and 25; see also specification at page 34, lines 5-8, page 35, line 25 to page 36, line 14) for displaying, on a display unit, a thumbnail image (e.g., see Figure 25, W8, A42; see specification at page 35, lines 21-28 and page 36, line 1) of an image represented by image data that has been stored in the image database of the center server (e.g., 1).

With reference, for example, to Figures 22-27, in another exemplary aspect of the invention, as defined for example by claim 4, the center server (e.g., 1) further includes a calculation unit (e.g., 4) which, on the basis of image specifying data received by the first receiving unit (e.g., 3; see specification at page 37, lines 14-22), calculates an estimate of a printing fee for printing an image specified by the image specifying data (e.g., see specification at page 37, lines 23-28, page 38, line 1; see also Figure 22, step 96), and a third transmitting unit (e.g., 3) for transmitting, to the first client computer, data representing the estimate calculated by the calculation unit, and the first client computer further includes a third receiving unit for receiving the estimate data transmitted from the third transmitting unit of the center server, and a second alerting unit for giving notice of the estimate represented by the estimate data received by the third receiving unit (e.g., see specification at page 38, lines 2-6; see also Figure 26, step 78).

With reference to Figures 22-27 and 37-45, in another exemplary aspect of the invention, as defined for example by claim 5, the center server further includes a calculation unit for calculating a printing fee for printing the image (e.g., see specification at page 37, lines 23-28, page 38, line 1; see also Figure 22, step 96), and a fifth transmitting unit for transmitting data representing the fee calculated by the calculation unit to at least one of the first client computer and one of the second client computers, at least one of the first client computer and one of the second client computers further includes a fifth receiving unit for receiving fee data transmitted from the fifth transmitting unit of the center server, and a second alerting unit for giving notice of the fee represented

by the fee data received by the fifth receiving unit (e.g., see specification at page 38, lines 2-6; see also Figure 26, step 78).

With reference again to Figures 22-27 and 37-45, in another exemplary aspect of the invention, as defined for example by claim 6, the first client computer (e.g., 40) and one of the second client computers (e.g., 20) each includes a sixth receiving unit for receiving fee data transmitted from the fifth transmitting unit of the center server (e.g., 1), and a third alerting unit for giving notice of a fee represented by the fee data received by the sixth receiving unit (e.g. see Figures 31 and 36, for example, A85), the fifth transmitting unit of the center server transmitting data representing the fee calculated by the fee calculation unit to the first client computer after it transmits this data to one of the second client computers.

In another exemplary aspect of the invention, as defined for example by claim 7, the fifth transmitting unit transmits fee data of orderers affiliated with the second client computers (e.g., 20) (e.g., see Figure 37, step 126; see also specification at page 31, lines 24-28; see also page 32, lines 23-28, and page 33, lines 1-5 and 25-27).

With reference again to Figure 1, in another exemplary aspect of the invention, as defined for example by claim 8, each of a plurality of agencies is provided with a third client computer (e.g., 11) for the agency, laboratories affiliated with the agencies and orderers affiliated with the laboratories each being decided (e.g., see specification at page 15, lines 15-21), and the fifth transmitting unit transmitting fee data to the third client computer (e.g., 11) of a corresponding agency, to one of the second client computers (e.g., 20) of the laboratory and to the first client computer (e.g., 40) of the orderer.



In another exemplary aspect of the invention, as defined for example by claim 9, the fifth transmitting unit of the center server (e.g., 1) transmits the fee data to one of the second client computers (e.g., 20) of the laboratory after it transmits it to the third client computer (e.g., 11) of the agency, the third client computer (e.g., 11) of the agency includes a first verification unit (e.g., see specification at page 17, lines 14-17; see Figure 3 at 28) for verifying a fee represented by fee data transmitted from the fifth transmitting unit of the center server, and a sixth transmitting unit for transmitting verification data to the center server (e.g., 1) in response to verification performed by the verification unit, the center server (e.g., 1) further including a seventh receiving unit for receiving verification data transmitted from the third client computer (e.g., 11) of the agency, and the fifth transmitting unit transmitting the fee data to the one of the second client computers (e.g., 20) of the laboratory in response to reception of the verification data by the seventh receiving unit (e.g., see specification at page 23, line 2 to page 26, lines 3).

In another exemplary aspect of the invention, as defined for example by claim 10, the fifth transmitting unit of the center server (e.g., 1) transmits the fee data to the first client computer (e.g., 40) of the orderer after it transmits it to one of the second client computers (e.g., 20) of the laboratory, one of the second client computers (e.g., 20) of the laboratory further includes a second verification unit (e.g., Figure 3 at 28) for verifying a fee represented by fee data transmitted from the fifth transmitting unit of the center server, and a seventh transmitting unit (e.g., Figure 3 at 23) for transmitting verification data to the center server in response to verification performed by the second verification unit, the center server (e.g., 1) including an eighth receiving unit (e.g., 3) for receiving

verification data transmitted from the one of the second client computers (e.g., 20) of the laboratory, the fifth transmitting unit transmitting the fee data to the first client computer (e.g. 40) of the orderer in response to reception of the verification data by the eighth receiving unit.

With reference to Figures 14-21, in another exemplary aspect of the invention, as defined for example by claim 11, a third client computer (e.g., 11) for an agency is provided, the third client computer (e.g., 11) includes a first setting unit for setting at least one of a laboratory affiliated with an agency and an orderer affiliated with a laboratory (e.g., see specification at page (e.g., see specification at page 15, lines 15-21; see also page 23, line 2 to page 26, lines 3), and an eighth transmitting unit (e.g., see specification at page 17, lines 14-17; see Figure 3, 23) for transmitting attribute data, which has been set by the first setting unit, to the center server (e.g., 1).

In another exemplary aspect of the invention, as defined for example by claim 12, one of the client computers (e.g., 20) for laboratory further includes a second setting unit for setting an orderer affiliated with a laboratory, and a ninth transmitting unit for transmitting attribute data, which has been set by the second setting unit, to the center server (e.g., 1)(e.g., see specification at page 30, lines 3-6).

In another exemplary aspect of the invention, as defined for example by claim 13, at least one client computer of the third client computer (e.g., 11) for the agency and one of the second client computers (e.g., 20) for the laboratory further includes a third setting unit for setting a service, from among a plurality of services, that can be utilized by the orderer, and a tenth transmitting unit for transmitting data, which represents the service

that has been set by the third setting unit, to the center server (e.g. 1)(e.g. see specification at page 29, line 28 to page 30, line 6).

In another exemplary aspect of the invention, as defined for example by independent claim 14, a center server (e.g., 1) includes a memory (e.g., 7) for storing correspondence data in advance (e.g., see Figures 4-13), the correspondence data representing which of a plurality of client computers for a laboratory is affiliated with a client computer of an orderer, a receiving unit (e.g., 3) for receiving data specifying an image and data specifying an orderer transmitted from the client computer (e.g., 40) of the orderer, a determination unit (e.g., 4) for determining, on the basis of the correspondence data, which one of the plurality of client computers (e.g., 20) for the laboratory is affiliated with the orderer specified by the orderer data received by the receiving unit (e.g., see Figures 4-13; see also specification at page 15, lines 15-21), and a transmitting unit (e.g., 3) for transmitting the image specifying data and the orderer specifying data, which has been received by the receiving unit, to the one of the client computers (e.g., 20) for the laboratory that has been determined by the determination unit in association with each other.

In another exemplary aspect of the invention, as defined for example by independent claim 16, in an image ordering system comprising a center server (e.g., 1), a first client computer (e.g., 40) for an orderer and a plurality of second client computers (e.g. 20) for a laboratory that are capable of communicating data with one another, an image ordering method includes inputting data that specifies an image to be printed (e.g., see Figure 22; see also specification at page 33, line 28, to page 35, line 11; see also page

36, lines 10-11), transmitting, to the center server, the image specifying data that is input and data specifying the orderer (e.g., see specification at page 35, lines 5-11), wherein the first client computer implements the inputting data and transmitting to the center server (e.g., see figure 22; see also specification at page 35, lines 5-11), storing correspondence data in advance, the correspondence data representing which of the plurality of second client computers is affiliated with the first client computer of the orderer, receiving the image specifying data and the orderer specifying data transmitted from the first client computer (e.g., see Figure 28, see also specification at page 35, lines 12-24), determining, on the basis of the correspondence data, which of the plurality of second client computers is affiliated with the orderer specified by the orderer data received by the first receiving unit, transmitting the received image specifying data and orderer specifying data to the second client computer that has been determined in association with each other (e.g., see specification at page 15, lines 15-21), wherein the center server implements the storing, the receiving the image specifying data, the determining, and the transmitting to the second client computer, receiving the image specifying data and the orderer specifying data transmitted from the center server (e.g., see Figures 14, 22, 28 and 37), and giving notice of information regarding an image specified by the received image specifying data and of an orderer represented by the received orderer specifying data, wherein the second client computer implements the receiving the image specifying data and the orderer specifying data transmitted from the center server and the giving notice of information (e.g., see Figure 28).

In another exemplary aspect of the invention, as defined for example by independent claim 17, a method of controlling operation of a center server (e.g., 1), includes storing correspondence data in advance (e.g., see Figure 14), the correspondence data representing which of a plurality of client computers (e.g., 20) for a laboratory is affiliated with a client computer (e.g., 40) of an orderer (e.g., see Figures 4-13), receiving data specifying an image and data specifying an orderer transmitted from a first client computer (e.g., 40) of the orderer, determining, on the basis of the correspondence data (see Figures 4-13), which one of the plurality of client computers (e.g., 20) for the laboratory is affiliated with the orderer specified by the orderer data received by the receiving unit, and transmitting the received image specifying data and orderer specifying data to the one of the plurality of client computers (e.g., 20) for the laboratory in association with each other.

In another exemplary aspect of the invention, as defined for example by independent claim 19, an image ordering system includes a first client computer (e.g., 40) of an orderer, a center server (e.g., 1) that communicates data with the first client computer (e.g., 40), wherein the center server (e.g., 1) includes a memory (e.g., 7) for storing correspondence data in advance, the correspondence data representing which of a plurality of second client computers (e.g., 20) for a laboratory is affiliated with the first client computer (e.g., 40) of the orderer (e.g., see Figures 4-13), a first receiving unit (e.g., 3) for receiving image specifying data and orderer specifying data transmitted from the first client computer (e.g., 40), a determination unit (e.g., 4) for determining, on the basis of the correspondence data, which of the plurality of second client computers is

affiliated with the orderer specified by the orderer data received by the first receiving unit (e.g., included in 3)(e.g., see Figure 4-13), and a second transmitting unit (e.g., included in 3) for transmitting the image specifying data and the orderer specifying data, which has been received by the first receiving unit (e.g., included in 3), to one of the plurality of second client computers (e.g., 20) that has been determined by the determination unit.

In another exemplary aspect of the invention, as defined for example by claim 20, the first client computer (e.g., 40) includes an input unit for inputting data that specifies an image to be printed, and a first transmitting unit (e.g., see specification at page 17, lines 14-17; see also Figure 3) for transmitting, to the center server (e.g., 1), the image specifying data that is input from the input unit and data specifying the orderer.

In another exemplary aspect of the invention, as defined for example by claim 21, the one of the plurality of second client computers (e.g., 20) includes a second receiving unit (e.g., included in 23) for receiving the image specifying data and the orderer specifying data transmitted from the second transmitting unit (e.g., 3) of the center server (e.g., 1), and a first alerting unit (e.g., 24 and 25) for giving notice of information received by the second receiving unit (e.g., 23), wherein the information includes at least one of an image specified by the image specifying data and of an orderer represented by the orderer specifying data (e.g., see Figures 28-36).

In another exemplary aspect of the invention, as defined for example by independent claim 22, an image ordering method for an image ordering system comprising a center server (e.g., 1), a first client computer (e.g., 40) for an orderer and a plurality of second client computers (e.g., 20) for a laboratory that are capable of

communicating data with one another, the image ordering method includes transmitting data from the first client computer (e.g., 40) to the center server (e.g., 1), storing correspondence data in advance (e.g., see Figures 14, 22, 28, and 37), wherein the correspondence data includes which of the plurality of second client computers is affiliated with the first client computer of the orderer, receiving the data (e.g., see Figures 4-13), at the center server (e.g., 1), from the first client computer (e.g., 40), determining, on the basis of the correspondence data, which one of the plurality of second client computers (e.g., 20) is affiliated with the orderer specified by the data received by the first receiving unit (e.g., 3), transmitting the data from the center server (e.g., 1) to the one of the plurality of second client computers (e.g., 20), receiving the data transmitted from the center server (e.g., 1) at the one of the second client computers (e.g., 20), and giving notice of information specified by the data (e.g., see Figures 28-36).

In another exemplary aspect of the invention, as defined for example by claim 23, the data includes at least one of image specifying data and data specifying the orderer (e.g., see Figures 28-36).

In another exemplary aspect of the invention, as defined for example by claim 24, the information includes at least one of an image specified by the data and of an orderer represented the data (e.g., see Figures 28-36).

In another exemplary aspect of the invention, as defined for example by claim 25, the correspondence data which represents which of the plurality of second client computers is affiliated with the first client computer of the orderer, includes a management information database (e.g., see Figure 1 at 7; see also Figure 4; see also

specification at page 18, lines 1-9) including at least one of a table of user names (e.g., see Figure 5; see also specification at page 19, lines 2-9), a table of company names (e.g., see Figure 7; see also specification at page 19, lines 18-28), a table of company - user link information (e.g., see Figure 6; see also specification at page 19, lines 10-17), a table of company master - slave information (e.g., see Figure 8; see also specification at page 20, lines 1-16), a table for setting system services (e.g., see Figure 10; see also specification at page 21, lines 1-11), a table for setting printing services (e.g., see Figure 9; see also specification at page 20, lines 16-28), an order table (e.g., see Figure 11; see also specification at page 21, lines 21-23), a product table (e.g., see Figure 12; see also specification at page 21, lines 24-28 and page 22, lines 1-8), and a table for specifying consignees (e.g., see Figure 13; see also specification at page 22, lines 9-20).

In another exemplary aspect of the invention, as defined for example by claim 26, at least two of the table of company names (e.g., see Figure 7), the table of company - user link information (e.g., see Figure 6), the table of company master - slave information (e.g., see Figure 8), the table for setting system services (e.g., see Figure 10), the table for setting printing services (e.g., see Figure 9), are linked to each other by company identification (ID) data (e.g., see specification at page 18, lines 10-15).

In another exemplary aspect of the invention, as defined for example by claim 27, at least two of the table of user names (e.g., see Figure 5), the table of company - user link information (e.g., see Figure 6), and the order table (e.g., see Figure 11) are linked to each other by user identification (ID) data (e.g. see specification at page 18, lines 15-18).



In another exemplary aspect of the invention, as defined for example by claim 28, the table for setting printing services (e.g., see Figure 9) and the order table (e.g., see Figure 11) are linked to each other by service identification (ID) data (e.g., see specification at page 18, lines 18-20).

In another exemplary aspect of the invention, as defined for example by claim 29, the order table (e.g., see Figure 11) and the product table (e.g., see Figure 12) are linked to each other by product number data (e.g., see specification at page 18, lines 20-22).

In another exemplary aspect of the invention, as defined for example by claim 30, the order table (e.g., see Figure 11) and the table for specifying consignees (e.g., see Figure 13) are linked to each other by consignee service identification (ID) data (e.g., see specification at page 18, lines 22-25).

In another exemplary aspect of the invention, as defined for example by claim 31, the correspondence data which represents which of the plurality of second client computers (e.g., 20) is affiliated with the first client computer (e.g., 40) of the orderer, includes master - slave relationships (e.g., see Figure 8) between a plurality of first client computers (e.g., 40) for orderers and the plurality of second client computers (e.g., 20) for the laboratory.

In another exemplary aspect of the invention, as defined for example by claim 32, the master - slave relationships (e.g., see Figure 8) between a plurality of first client computers (e.g., 40) for orderers and the plurality of second client computers (e.g., 20) for the laboratory, comprise relationships between at least two of user name information (e.g., see Figure 5), user identification information (e.g., see specification at page 18,

lines 15-18), company name information (e.g., see Figure 7), company identification information (e.g., see specification at page 18, lines 10-15), company - user link information (e.g., see Figure 6), company master - slave information (e.g., see Figure 8), system services information (e.g., see Figure 10), printing services information (e.g., see Figure 9), order tables (e.g., see Figure 11), product tables (e.g., see Figure 12), and consignee information (e.g., see Figure 13).

In another exemplary aspect of the invention, as defined for example by claim 33, the determination unit (e.g., 4) determines, using the correspondence data, whether one of the plurality of second client computers (e.g., 20) is affiliated with the orderer specified by the orderer data received by the first receiving unit (e.g., included in 3), and wherein, if the determination unit (e.g., 4) determines, using the correspondence data, that one of the plurality of second client computers (e.g., 20) is affiliated with the orderer, then the second transmitting unit (e.g., included in 3) transmits the image specifying data and the orderer specifying data to the one of the plurality of second client computers (e.g., 20) determined to be affiliated with the orderer (e.g., see specification at page 15, lines 15-21).

## **VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL**

The issues presented for review by the Board of Patent Appeals and Interferences are whether Claims 1-7, 11-14, 16, 17, and 19-33 are unpatentable under 35 U.S.C. § 103(a) over Freedman in view of Hartman, and whether Claims 8-10 are unpatentable

under 35 U.S.C. § 103(a) over Freedman in view of Hartman and further in view of Greulich.

## VII. ARGUMENT

### A. THE EXAMINER'S POSITION

In the "Response to Arguments" of the final Office Action mailed May 24, 2005, the Examiner stated that "*Freedman discloses "a system for ordering print related goods and services, wherein said order comprises a user choice of print facility for fulfilling said order ('829, column 10, lines 19-32). To one of ordinary skill, Hartman et al. provide a teaching for more efficiently entering order data by storing order data to be used for future orders in memory ('411, column 10, lines 15-35), such as a print facility ('829, figure 1A). A feature at least suggested by Freedman ('829, column 8, lines 20-25). Further, this creates an "affiliation" between the orderer and the print facility, the affiliation being print facilities that the orderer has ordered from (note this also applies to claim 33)."*

Thus, the Examiner considered that the alleged combination of Freedman and Hartman teaches or suggests "*a determination unit for determining, on the basis of the correspondence data, which of the plurality of second client computers is affiliated with the orderer specified by the orderer data received by said first receiving unit*", as claimed (e.g., see Office Action mailed May 24, 2005, at page 2, last paragraph; emphasis added).

In the Advisory Action, the Examiner indicated that the after-final Response filed on August 11, 2005, had been considered but did not place the application in condition for allowance.

Particularly, the Examiner stated in the Continuation of 5 that the request for reconsideration did not place the application in condition for allowance because:

Freedman teaches a determination unit (column 10, lines 24-36) and at least a suggestion (column 8, lines 20-24) for using the teachings of Hartman et al. that determines an affiliation between an orderer and a past order. Which in the context of Freedman allows a user to order print services from a printing facility based on a previous order (i.e., correspondence data) (see Freedman column 8, lines 24-26; column 10, lines 24-26).

Thus, for purposes of appeal, the Examiner stated that claims 1-14, 16, 17, and 19-33 (all of the pending claims) stand rejected.

## **B. APPELLANT'S POSITION**

To summarize, Appellant submits that the Examiner's position is flawed as a matter of fact and law. Thus, Claims 1-7, 11-14, 16, 17, and 19-33 are not unpatentable under 35 U.S.C. § 103(a) over Freedman in view of Hartman, and Claims 8-10 are not unpatentable under 35 U.S.C. § 103(a) over Freedman in view of Hartman, and further in view of Greulich.

i) **INDEPENDENT CLAIMS 1, 14, 16, and 19**

For the Examiner's convenience, the traversal arguments set forth in the previous Amendments filed on April 23, 2004, September 17, 2004, and March 30, 2005, are incorporated herein by reference in their entirety.

Appellant submits that there are elements of the claimed invention which would not have been disclosed or suggested by any combination of Freedman and Hartman, and therefore, respectfully traverses this rejection.

**The Examiner's Position is Flawed as a Matter of Fact and Law**

As mentioned above, in the "Response to Arguments" section of the final Office Action, the Examiner took the position that "*Freedman discloses "a system for ordering print related goods and services, wherein said order comprises a user choice of print facility for fulfilling said order ('829, column 10, lines 19-32). To one of ordinary skill, Hartman et al. provide a teaching for more efficiently entering order data by storing order data to be used for future orders in memory ('411, column 10, lines 15-35), such as a print facility ('829, figure 1A). A feature at least suggested by Freedman ('829, column 8, lines 20-25). Further, this creates an "affiliation" between the orderer and the print facility, the affiliation being print facilities that the orderer has ordered from (note this also applies to claim 33)."*

Thus, the Examiner considered that the alleged combination of Freedman and Hartman teaches or suggests "*a determination unit for determining, on the basis of the correspondence data, which of the plurality of second client computers is affiliated with*

*the orderer specified by the orderer data received by said first receiving unit*", as claimed (e.g., see Office Action at page 2, last paragraph; emphasis added).

Appellant respectfully disagrees for the following reasons.

First, Appellant submits that merely "*storing order data to be used for future orders in memory*" for a user choice of print facility for fulfilling a particular order does not disclose or suggest "*a determination unit for determining, on the basis of the correspondence data, which of the plurality of second client computers is affiliated with the orderer specified by the orderer data received by said first receiving unit*" as claimed in independent claim 1.

Indeed, the Examiner has not shown, and further, the cited references do not disclose or suggest, a determination unit that determines which one of a plurality of client computers is affiliated with the orderer, according to the claimed invention.

For example, the identity data and/or a replica of the receipt (e.g., specifying data, prices), which the Examiner cites in Freedman, clearly are not comparable to an affiliation between the first client computer and one of the second client computers of a plurality of second client computers, as claimed.

Freedman merely discloses that a requestor is "*provided with information regarding the various job costs, timing, etc. and is given the opportunity to select a particular printing facility, a particular machine, or mix of machines for production of a job*" (e.g., see Freedman at column 10, lines 19-24).

Alternatively, in Freedman, “*the requestor may permit the system to select a particular printing facility or printing equipment for production of the job*” (e.g., see Freedman at column 10, lines 24-26).

However, Freedman does not disclose, suggest, or even mention any kind of affiliation between a first client computer and one of a plurality of second client computers, as claimed.

Similarly, Hartman also does not disclose or suggest any kind of affiliation between a first client computer and one of a plurality of second client computers, as claimed.

Instead, claim 1 of Hartman, which the Examiner mentions in the “Response to Arguments”, merely sends a request to order an item along with an identifier of a single purchaser of the item to a server system, and then retrieves additional information for the individual purchaser from storage, and generates an order to purchase the item.

Hartman does not, however, determine any kind of affiliation between a first client computer and one of a plurality of second client computers, as claimed.

As another example, Hartman discloses that:

*The server system receives purchaser information including identification of the purchaser, payment information, and shipment information from the client system. The server system then assigns a client identifier to the client system and associates the assigned client identifier with the received purchaser information. The server system sends to the client system the assigned client identifier and an HTML document identifying the item and including an order button (e.g. see Hartman at Abstract).*

In other words, in Hartman, the client system is determined by the data transmitted from the same client system.

Thus, in Hartman, there also is no affiliation between a first client system and one of a plurality of second client systems.

Moreover, in the "Response to Arguments", the Examiner alleges that storing order data to be used for future orders in memory, as allegedly taught by Hartman, is at least suggested by Freedman, for a print facility (e.g., see Office Action at page 2, lines 15-16, citing Freedman at column 8, lines 20-25).

However, Appellant submits that column 8, lines 20-25 of Freedman (which is mentioned by the Examiner in the "Response to Arguments") merely discloses a computer asking the requestor to select a printing parameter design template which may be been previously established for a particular type of printing job.

Appellant submits that this has nothing to do with determining, on the basis of correspondence data, **which of a plurality of second client computers** is affiliated with the orderer specified by the orderer data received by a first receiving unit, as recited in independent claim 1.

Indeed, this portion of Freedman discloses a printing parameter for a printing job, not a printing facility, as alleged by the Examiner.

Thus, for at least the foregoing reasons, Appellant respectfully submits that the Office Action has mischaracterized the teachings of Freedman and Hartman.



**Advisory Action**

In response to Appellant's traversal position, in the Advisory Action, the Examiner indicated that the after-final Response filed on August 11, 2005, had been considered but did not place the application in condition for allowance.

Particularly, the Examiner stated in the Continuation of 5 of the Advisory Action that the request for reconsideration did not place the application in condition for allowance because:

*Freedman teaches a determination unit (column 10, lines 24-36) and at least a suggestion (column 8, lines 20-24) for using the teachings of Hartman et al. that determines an affiliation between an orderer and a past order. Which in the context of Freedman allows a user to order print services from a printing facility based on a previous order (i.e., correspondence data) (see Freedman column 8, lines 24-26; column 10, lines 24-26).*

However, contrary to the Examiner's position, column 10, lines 24-36 of Friedman merely discloses:

*Alternatively, the requester may permit the system to select a particular printing facility or printing equipment for production of the job. Once the selection is made, the requester authorizes the system to proceed with the printing job and all of the parameters and other information is transmitted by the computer to the appropriate printing facility and informs the requester that acceptance of the work by the printing facility forms a binding contract between the two parties. A printed verification of the parameters, prices, etc. is provided to the requester and the requester then logs off of the system.*

On the other hand, column 8, lines 20-24 of Freidman merely discloses:

*The computer then asks the requester to select a printing parameter design template which may have been previously established for a particular type of printing job.*

Thus, contrary to the Examiner's position, neither Hartman nor Freidman discloses, suggests, or even mentions an affiliation between a first client computer and one of a plurality of second client computers, as recited, for example, in independent claim 1 and disclosed in the present application.

Indeed, contrary to the Examiner's position, Freedman does not determine an affiliation between an orderer and a past order. That is, Freedman does not teach or suggest allowing a user to order print services from a printing facility based on an affiliation between a first client computer and one of a plurality of second client computers, as recited, for example, in independent claim 1 and disclosed in the present application.

Instead, as mentioned above, Freedman merely discloses permitting the system to select a particular printing facility or printing equipment for production of the job. However, Freedman clearly does not disclose or suggest that such a selection is based on any kind of affiliation.

In fact, the only affiliation which (*arguendo*) is formed would be the binding contract formed between the two parties after the system selects the printing facility. However, even then, Freedman does not discloses or suggest that such a binding contract would be used to establish an *affiliation* between the user's computer and that particular printing facility for future printing jobs.

Thus, Freedman clearly falls short of the claimed features, and therefore, does not make up for the deficiencies of Hartman.

Moreover, contrary to the Examiner's position, column 8, lines 20-24 of Freidman merely discloses selecting a printing parameter design template for a particular type of printing job, not an affiliation between the user's computer and a printing facility.

Indeed, since neither Hartman nor Freedman discloses or suggests the claimed "affiliation", the only suggestion for including this claimed feature can be derived from the present invention itself. The present invention, however, clearly cannot be used against itself to establish the obviousness of the invention.

Thus, for the reasons set forth above, the relied upon teachings of Freedman and Hartman clearly do not create an "affiliation" between the orderer and a print facility which the orderer has ordered from.

In comparison, independent claim 1 recites, inter alia, an image ordering system including:

*a center server;  
a first client computer for an orderer; and  
a plurality of second client computers for a laboratory,  
wherein said center server, said first client  
computer, and said plurality of second client computers are  
capable of communicating data with one another;  
said first client computer comprising:  
an input unit for inputting data that specifies an  
image to be printed; and  
a first transmitting unit for transmitting, to said  
center server, the image specifying data that is input from said  
input unit and data specifying the orderer;  
said center server comprising:  
a memory for storing correspondence data in  
advance, the correspondence data representing which of the  
plurality of second client computers is affiliated with the first  
client computer of the orderer;*

*a first receiving unit for receiving the image specifying data and the orderer specifying data transmitted from said first transmitting unit of said first client computer;*

*a determination unit for determining, on the basis of the correspondence data, which of the plurality of second client computers is affiliated with the orderer specified by the orderer data received by said first receiving unit; and*

*a second transmitting unit for transmitting the image specifying data and the orderer specifying data, which has been received by said first receiving unit, to one of said plurality of second client computers that has been determined by said determination unit in association with each other; and*

*said one of said plurality of second client computers comprising:*

*a second receiving unit for receiving the image specifying data and the orderer specifying data transmitted from said second transmitting unit of said center server; and*

*a first alerting unit for giving notice of information regarding an image specified by the image specifying data and of an orderer represented by the orderer specifying data, which items of data have been received by said second receiving unit (emphasis added).*

According to the claimed invention, the correspondence data can be transmitted from the center server to an affiliated second client computer accurately (as opposed to a *non-affiliated* second client computer), even when there are a plurality of second client computers.

Thus, Appellant submits that Freedman and Hartman, either individually or in combination, do not disclose or suggest “*a determination unit for determining, on the basis of the correspondence data, which of the plurality of second client computers is affiliated with the orderer specified by the orderer data received by said first receiving unit*” as recited in independent claim 1.

Appellant submits that independent claims 14, 16, and 19 also are patentable over the alleged combination of Hartman and Freedman for somewhat similar reasons as independent claim 1.

For example, independent claim 14 recites a center server including:

a memory for storing correspondence data in advance,  
the correspondence data representing which of a plurality of  
client computers for a laboratory is affiliated with a client  
computer of an orderer;  
...and  
a transmitting unit for transmitting the image specifying  
data and the orderer specifying data, which has been received  
by said receiving unit, to said one of the client computers for the  
laboratory that has been determined by said determination unit  
in association with each other (emphasis added).

Appellant submits that Freedman and Hartman, either individually or in combination, do not disclose or suggest “a memory for storing correspondence data in advance, the correspondence data representing which of a plurality of client computers for a laboratory is affiliated with a client computer of an orderer” and “a transmitting unit for transmitting the image specifying data and the orderer specifying data, which has been received by said receiving unit, to said one of the client computers for the laboratory that has been determined by said determination unit in association with each other”, as recited in independent claim 14 (emphasis added).

Somewhat similarly, independent claim 19 recites an image ordering system including:

a first client computer of an orderer;  
a center server that communicates data with said first  
client computer,

wherein said center server comprises:  
a memory for storing correspondence data in advance, the correspondence data representing which of a plurality of second client computers for a laboratory is affiliated with the first client computer of the orderer;  
a first receiving unit for receiving image specifying data and orderer specifying data transmitted from said first client computer;  
a determination unit for determining, on the basis of the correspondence data, which of the plurality of second client computers is affiliated with the orderer specified by the orderer data received by said first receiving unit; and  
a second transmitting unit for transmitting the image specifying data and the orderer specifying data, which has been received by said first receiving unit, to one of said plurality of second client computers that has been determined by said determination unit (emphasis added).

Appellant submits that Freedman and Hartman, either individually or in combination, do not disclose or suggest “a determination unit for determining, on the basis of the correspondence data, which of the plurality of second client computers is affiliated with the orderer specified by the orderer data received by said first receiving unit” as recited in independent claim 19.

**Method claims 16, 17, and 22**

Turning to “method” independent claims 16, 17, and 22, Appellant submits that, even assuming *arguendo* that it would have been obvious to combine Freedman and Hartman, the resulting combination of Freedman and Hartman, as alleged by the Examiner, would not disclose or suggest all of the features of claims 16, 17, and 22.

For example, independent claim 16 recites that, in an image ordering system including a center server, a first client computer for an orderer and a plurality of second

client computers for a laboratory that are capable of communicating data with one another, an image ordering method includes:

*inputting data that specifies an image to be printed;  
transmitting, to said center server, the image specifying  
data that is input and data specifying the orderer,  
wherein said first client computer implements  
said inputting data and transmitting to said center server;  
storing correspondence data in advance, the  
correspondence data representing which of the plurality of  
second client computers is **affiliated** with the first client  
computer of the orderer;  
receiving the image specifying data and the orderer  
specifying data transmitted from said first client computer;  
determining, on the basis of the correspondence data,  
which of the plurality of second client computers is **affiliated**  
with the orderer specified by the orderer data received by said  
first receiving unit;  
transmitting the received image specifying data and  
orderer specifying data to said second client computer that has  
been determined in association with each other; ... (emphasis  
added).*

Somewhat similarly, independent claim 17 recites a method of controlling operation of a center server, including:

*storing correspondence data in advance, the  
correspondence data representing which of a plurality of client  
computers for a laboratory is **affiliated** with a client computer of  
an orderer;  
receiving data specifying an image and data specifying  
an orderer transmitted from a first client computer of the  
orderer;  
determining, on the basis of the correspondence data,  
which one of the plurality of client computers for the laboratory  
is **affiliated** with the orderer specified by the orderer data  
received by said receiving unit; and  
transmitting the received image specifying data and  
orderer specifying data to said one of the plurality of client  
computers for the laboratory in association with each other  
(emphasis added).*

Independent claim 22 recites an image ordering method for an image ordering system including a center server, a first client computer for an orderer and a plurality of second client computers for a laboratory that are capable of communicating data with one another, in which the image ordering method includes:

*transmitting data from said first client computer to said center server;*  
*storing correspondence data in advance, wherein the correspondence data includes which of the plurality of second client computers is affiliated with the first client computer of the orderer;*  
*receiving said data, at the center server, from said first client computer;*  
*determining, on the basis of the correspondence data, which one of the plurality of second client computers is affiliated with the orderer specified by said data received by said first receiving unit;* ... (emphasis added).

Appellant submits that the alleged combination of Freedman and Hartman, either individually or in combination, do not disclose or suggest at least these features of the claimed invention, as defined for example, by independent method claims 16, 17, and 22.

For at least the foregoing reasons, Appellant respectfully reiterates that Freedman and Hartman, either individually or in combination, clearly do not disclose or suggest all of the features of the claimed invention.

Appellant submits that claims 2-7, 11-14, 16, 17, and 19-24 also are patentable over Freedman and Hartman, either alone or in combination, for somewhat similar reasons as those set forth above, as well as for the additional features recited therein.



**Claims 25-33:**

With respect to claims 25-33 (which were added by the Amendment under 37 C.F.R. § 1.111 filed on March 30, 2005), in the “Response to Arguments” section of the Office Action mailed May 24, 2005, the Examiner states that:

*Claims 25-32 are directed to data stored at an apparatus. However, it has been held that in order for a claimed structure to differentiate from the prior art, the differences have to be found in the respective structures and not functionality (In re Schreiber, 128 F.3d 1473, 1477-78, 44 USPQ2d 1429, 1431-32 (Fed. Cir. 1997). Therefore, as both Freedman and Hartman et al. store data in databases the prior art teach Applicant's apparatus. Regarding databases, the Examiner takes Official Notice that relational databases and data models (e.g., a table that links data by a unique identifier such as an account number, social security number or ID) are old and well known.*

(e.g., see Office Action at page 3, first paragraph; emphasis added).

First, Appellant respectfully notes that the Examiner's reliance on In re Schreiber appears to be inappropriate.

That is, the holding in In re Schreiber does not represent a general rule which is applicable to all cases.

For example, In re Schreiber dealt with an anticipation rejection (not an obviousness rejection) in which all of the claimed structural features of a “device for dispensing popped popcorn” were deemed to have been disclosed by a single prior art reference, which disclosed “a spout for nozzle-ready containers”, despite any teaching in the prior art reference for being used to dispense popcorn.

In this case, however, the Examiner has not rejected the claims under 35 U.S.C. § 102 based on a single prior art reference which allegedly discloses all of the features of

the claimed invention. Instead, the Examiner rejects the claims under 35 U.S.C. § 103(a) as being unpatentable over Freedman in view of Hartman.

Moreover, claims 25-33 are directed to a “system”, which includes specifically defined “units” (i.e., modules) that perform clearly defined functions, as recited in the claims, and which would require specific structure in order to achieve such functions, not simply to an “apparatus”.

Second, Appellant notes that there is nothing inherently wrong with defining the features of the claimed invention using functional language (e.g., see In re Schreiber).

The functional recitations recited in the claims of the present application clearly and particularly define the underlying structure of the claimed “*units*” of the system which would be needed to perform such functions, and which would be understandable to the ordinarily skilled artisan. Thus, the functional features of the claims clearly define the structure of the “*units*” recited in the claims.

Third, the Examiner appears to be applying the holding of In re Schreiber to a particular “subset” of feature of the claims, rather than considering the claimed invention as a whole.

In fact, the Examiner seems to improperly be distilling claims 25-33 down to a gist of the invention (e.g., see M.P.E.P. § 2141.02), and does not appear to have considered the individual features recited in claims 25-33. The Examiner merely generally interprets the features of claims 25-33 as being directed to a “database”, and does not appear to have considered the *actual* language of claims 25-33.

Indeed, the Examiner states that “*as both Freedman and Hartman et al. store data in databases the prior art teach Applicant’s apparatus*” (see Office Action at page 3, lines 5; emphasis added).

Moreover, the Examiner states that “[r]egarding databases, the Examiner takes Official Notice that relational databases and data models (e.g., a table that links data by a unique identifier such as an account number, social security number or ID) are old and well known” (see Office Action at page 3, lines 5-10; emphasis added).

However, Appellant respectfully submits that obviousness of the claims is not established by showing that the individual features of the claims are old and well known. Instead, the Examiner has the burden of establishing that the claimed invention as a whole would have been obvious to the ordinarily skilled artisan in view of Freedman and Hartman (e.g., see M.P.E.P. § 2141.02), not merely whether the individual features of the invention, considered separately, would have been obvious.

For the foregoing reasons, Appellant respectfully submits that the Examiner has not established a *prima facie* case of obviousness with respect to at least claims 25-33, since the actual language of these claims does not appear to have been considered and the rejection does not establish how such features are disclosed or suggested by Freedman and Hartman, either individually or in combination.

Thus, Appellant respectfully submits that the Examiner properly should have established **(1)** a suggestion or motivation to combine Freedman and Hartman to arrive at the claimed invention defined by claims 25-33, **(2)** that a reasonable expectation of success would have existed, and **(3)** how the resulting combination of Freedman and

Hartman would teach or suggest each and every limitation of the invention, when considered as a whole for what it fairly teaches to the ordinarily skilled artisan (e.g., see M.P.E.P. § 2143).

Appellant submits that Freedman and Hartman, either individually or in combination, do not disclose or suggest all of the features of claims 25-33, when properly considered as a whole for what they fairly teach to the ordinarily skilled artisan.

For example, claim 25 recites, *inter alia*, that:

*the correspondence data which represents which of the plurality of second client computers is affiliated with the first client computer of the orderer, comprises:*

*a management information database including at least one of a table of user names, a table of company names, a table of company - user link information, a table of company master - slave information, a table for setting system services, a table for setting printing services, an order table, a product table, and a table for specifying consignees (emphasis added).*

As another example, claim 26 recites, *inter alia*, that:

*at least two of the table of company names, the table of company - user link information, the table of company master - slave information, the table for setting system services, the table for setting printing services, are linked to each other by company identification (ID) data (emphasis added).*

As a further example, claim 27 recites, *inter alia*, that:

*at least two of the table of user names, the table of company - user link information, and the order table are linked to each other by user identification (ID) data (emphasis added).*

As another example, claim 28 recites, *inter alia*, that:

*the table for setting printing services and the order table  
are linked to each other by service identification (ID) data  
(emphasis added).*

As yet another example, claim 29 recites, *inter alia*, that:

*the order table and the product table are linked to each  
other by product number data* (emphasis added).

As a further example, claim 30 recites, *inter alia*, that:

*the order table and the table for specifying consignees are linked to  
each other by consignee service identification (ID) data* (emphasis added).

As a further example, claim 31 recites, *inter alia*, that:

*the correspondence data which represents which of the plurality of  
second client computers is affiliated with the first client computer of the  
orderer, comprises:*

*master - slave relationships between a plurality of first client  
computers for orderers and said plurality of second client computers for  
the laboratory* (emphasis added).

As a further example, claim 32 recites, *inter alia*, that:

*wherein said master - slave relationships between a plurality of first  
client computers for orderers and said plurality of second client computers  
for the laboratory, comprise:*

*relationships between at least two of user name information,  
user identification information, company name information, company  
identification information, company - user link information, company  
master - slave information, system services information, printing services  
information, order tables, product tables, and consignee information  
(emphasis added).*

As a further example, claim 33 recites, *inter alia*, that:

*wherein said determination unit determines, using the  
correspondence data, whether one of the plurality of second client*

*computers is affiliated with the orderer specified by the orderer data received by said first receiving unit; and*

*wherein, if said determination unit determines, using the correspondence data, that one of the plurality of second client computers is affiliated with the orderer, then said second transmitting unit transmits the image specifying data and the orderer specifying data to said one of the plurality of second client computers determined to be affiliated with the orderer (emphasis added).*

Thus, the claimed invention determines, on the basis of correspondence data, which of the plurality of second client computers is affiliated with the orderer specified by the orderer data, as defined by claims 25-33. Indeed, the claimed “*correspondence data*” specifically is defined by claims 25-33.

In this way, the claimed invention can transmit the image specifying data and the orderer specifying data to an *affiliated* second client computer out of a plurality of second client computers.

In other words, when there are a plurality of second client computers, the correspondence data can be transmitted accurately from the center server to an *affiliated one of the plurality of second client computers*, wherein an *affiliated* second client computer out of a plurality of second client computers is determined by the corresponding data transmitted from the first client computer (e.g., see specification at page 6, lines 2-13, page 15, lines 15-27, page 16, lines 10-25, page 17, lines 2-17, page 20, lines 1-16, page 25, lines 5-22; see also, e.g., Figures 5-13).

Appellant submits that the cited references, either individually or in combination, clearly do not disclose or suggest the features recited in claims 25-33.

Indeed, the Examiner has not provided any support for how the cited references disclose or suggest all of the claimed features of the “*correspondence data*”, as explicitly defined by claims 25-33. As such, Appellant submits that a *prima facie* case has not been established with respect to claims 25-33.

For the foregoing reasons, Appellant submits that claims 25-33 are in condition for immediate allowance and respectfully requests the same.

**C. Claims 8-10:**

As mentioned above, claims 8-10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Freedman in view of Hartman and further in view of Greulich.

For somewhat similar reasons as those set forth above, Appellant respectfully submits that Greulich also does not disclose or suggest all of the features of independent claim 1, from which claims 8-10 depend, including:

*a memory for storing correspondence data in advance, the correspondence data representing which of the plurality of second client computers is affiliated with the first client computer of the orderer; ...*

*a determination unit for determining, on the basis of the correspondence data, which of the plurality of second client computers is affiliated with the orderer specified by the orderer data received by said first receiving unit; and*

*a second transmitting unit for transmitting the image specifying data and the orderer specifying data, which has been received by said first receiving unit, to one of said plurality of second client computers that has been determined by said determination unit to be affiliated with the orderer specified by the orderer data received by said first receiving unit (emphasis added).*

Therefore, Greulich does not make up for the deficiencies of Freedman and Hartman. Indeed, Greulich is not even relied upon for such features.

Thus, Appellant respectfully submits that claims 8-10 also are patentable over Freedman, Hartman, and Greulich, either individually or in combination, by virtue of their dependency from independent claim 1, as well as for the additional features recited therein.

Accordingly, Appellant respectfully requests that the Examiner withdraw these rejections and permit these claims to pass to allowance.

#### **VIII. CONCLUSION**

In view of the foregoing, Appellant submits that claims 1-14, 16, 17, and 19-33, all the claims presently pending in the application, are patentably distinct from the prior art of record and in condition for allowance. Thus, the Board is respectfully requested to remove the rejections of claims 1-14, 16, 17, and 19-33.

Please charge any deficiencies and/or credit any overpayments necessary to enter this paper to Attorney's Deposit Account number 50-0481.




Appellant's Brief on Appeal  
U.S. Application Serial No. 09/805,978  
Docket No. 5-027US-FF (USH.018)

40

Respectfully Submitted,

Date: November 23, 2005

  
John J. Dresch, Esq.  
Registration No. 46,672

Seam M. McGinn, Esq.  
Registration No. 34,386

**MCGINN INTELLECTUAL PROPERTY  
LAW GROUP, PLLC**  
8321 Old Courthouse Road, Suite 200  
Vienna, Virginia 22182-3817  
(703) 761-4100  
**Customer No. 21254**

**CLAIMS APPENDIX**

1. (Previously presented) An image ordering system comprising:
  - a center server;
  - a first client computer for an orderer; and
  - a plurality of second client computers for a laboratory,
    - wherein said center server, said first client computer, and said plurality of second client computers are capable of communicating data with one another;

said first client computer comprising:

  - an input unit for inputting data that specifies an image to be printed; and
  - a first transmitting unit for transmitting, to said center server, the image specifying data that is input from said input unit and data specifying the orderer;

said center server comprising:

  - a memory for storing correspondence data in advance, the correspondence data representing which of the plurality of second client computers is affiliated with the first client computer of the orderer;
  - a first receiving unit for receiving the image specifying data and the orderer specifying data transmitted from said first transmitting unit of said first client computer;
  - a determination unit for determining, on the basis of the correspondence data, which of the plurality of second client computers is affiliated with the orderer specified by the orderer data received by said first receiving unit; and

a second transmitting unit for transmitting the image specifying data and the orderer specifying data, which has been received by said first receiving unit, to one of said plurality of second client computers that has been determined by said determination unit in association with each other; and

said one of said plurality of second client computers comprising:

a second receiving unit for receiving the image specifying data and the orderer specifying data transmitted from said second transmitting unit of said center server; and

a first alerting unit for giving notice of information regarding an image specified by the image specifying data and of an orderer represented by the orderer specifying data, which items of data have been received by said second receiving unit.

2. (Previously presented) The system according to claim 1,

said center server further comprising:

a transmit controller for controlling said second transmitting unit to transmit the image data and the orderer specifying data to said second client computer that has been determined by said determination unit.

3. (Previously presented) The system according to claim 1, wherein said center server further comprises an image database storing image data; and

said first client computer includes a display controller for displaying, on a display unit, a thumbnail image of an image represented by image data that has been stored in said image database of said center server.

4. (Previously presented) The system according to claim 1, wherein said center server further comprises:

a calculation unit which, on the basis of image specifying data received by said first receiving unit, calculates an estimate of a printing fee for printing an image specified by the image specifying data; and

a third transmitting unit for transmitting, to said first client computer, data representing the estimate calculated by said calculation unit; and

said first client computer further comprises:

a third receiving unit for receiving the estimate data transmitted from said third transmitting unit of said center server; and

a second alerting unit for giving notice of the estimate represented by the estimate data received by said third receiving unit.

5. (Previously presented) The system according to claim 1, wherein said center server further comprises:

a calculation unit for calculating a printing fee for printing the image; and

a fifth transmitting unit for transmitting data representing the fee calculated by said calculation unit to at least one of said first client computer and one of said second client computers;

at least one of said first client computer and one of said second client computers further comprises:

a fifth receiving unit for receiving fee data transmitted from said fifth transmitting unit of said center server; and

a second alerting unit for giving notice of the fee represented by the fee data received by said fifth receiving unit.

6. (Previously presented) The system according to claim 5, wherein said first client computer and one of said second client computers each comprises:

a sixth receiving unit for receiving fee data transmitted from said fifth transmitting unit of said center server; and

a third alerting unit for giving notice of a fee represented by the fee data received by said sixth receiving unit,

said fifth transmitting unit of said center server transmitting data representing the fee calculated by said fee calculation unit to said first client computer after it transmits this data to one of said second client computers.

7. (Previously presented) The system according to claim 5, wherein said fifth transmitting unit transmits fee data of orderers affiliated with said second client computers.

8. (Previously presented) The system according to claim 5, wherein each of a plurality of agencies is provided with a third client computer for the agency;

laboratories affiliated with the agencies and orderers affiliated with the laboratories each being decided; and

said fifth transmitting unit transmitting fee data to the third client computer of a corresponding agency, to one of said second client computers of the laboratory and to said first client computer of the orderer.

9. (Previously presented) The system according to claim 8, wherein said fifth transmitting unit of said center server transmits the fee data to one of the second client computers of the laboratory after it transmits it to the third client computer of the agency;

said third client computer of the agency comprises:

a first verification unit for verifying a fee represented by fee data transmitted from said fifth transmitting unit of said center server; and

a sixth transmitting unit for transmitting verification data to said center server in response to verification performed by said verification unit;

said center server further including a seventh receiving unit for receiving verification data transmitted from said third client computer of the agency; and

said fifth transmitting unit transmitting the fee data to said one of the second client computers of the laboratory in response to reception of the verification data by said seventh receiving unit.

10. (Previously presented) The system according to claim 8, wherein said fifth transmitting unit of said center server transmits the fee data to the first client computer of the orderer after it transmits it to one of the second client computers of the laboratory;

one of said second client computers of the laboratory further comprising:

a second verification unit for verifying a fee represented by fee data transmitted from said fifth transmitting unit of said center server; and

a seventh transmitting unit for transmitting verification data to said center server in response to verification performed by said second verification unit,

said center server including an eighth receiving unit for receiving verification data transmitted from said one of the second client computers of the laboratory;

said fifth transmitting unit transmitting the fee data to said first client computer of the orderer in response to reception of the verification data by said eighth receiving unit.

11. (Previously presented) The system according to claim 1, wherein a third client computer for an agency is provided, said third client computer comprising:

a first setting unit for setting at least one of a laboratory affiliated with an agency and an orderer affiliated with a laboratory; and

an eighth transmitting unit for transmitting attribute data, which has been set by said first setting unit, to said center server.

12. (Previously presented) The system according to claim 1, wherein one of said client computers for laboratory further comprises:

a second setting unit for setting an orderer affiliated with a laboratory; and

a ninth transmitting unit for transmitting attribute data, which has been set by said second setting unit, to said center server.

13. (Previously presented) The system according to claim 1, wherein at least one client computer of the third client computer for the agency and one of the second client computers for the laboratory further comprises:

a third setting unit for setting a service, from among a plurality of services, that can be utilized by the orderer; and

a tenth transmitting unit for transmitting data, which represents the service that has been set by said third setting unit, to said center server.

14. (Previously presented) A center server comprising:

a memory for storing correspondence data in advance, the correspondence data representing which of a plurality of client computers for a laboratory is affiliated with a client computer of an orderer;



a receiving unit for receiving data specifying an image and data specifying an orderer transmitted from the client computer of the orderer;

a determination unit for determining, on the basis of the correspondence data, which one of the plurality of client computers for the laboratory is affiliated with the orderer specified by the orderer data received by said receiving unit; and

a transmitting unit for transmitting the image specifying data and the orderer specifying data, which has been received by said receiving unit, to said one of the client computers for the laboratory that has been determined by said determination unit in association with each other.

15. (Canceled).

16. (Previously presented) In an image ordering system comprising a center server, a first client computer for an orderer and a plurality of second client computers for a laboratory that are capable of communicating data with one another, an image ordering method comprising:

inputting data that specifies an image to be printed;

transmitting, to said center server, the image specifying data that is input and data specifying the orderer,

wherein said first client computer implements said inputting data and transmitting to said center server;

storing correspondence data in advance, the correspondence data representing which of the plurality of second client computers is affiliated with the first client computer of the orderer;

receiving the image specifying data and the orderer specifying data transmitted from said first client computer;

determining, on the basis of the correspondence data, which of the plurality of second client computers is affiliated with the orderer specified by the orderer data received by said first receiving unit;

transmitting the received image specifying data and orderer specifying data to said second client computer that has been determined in association with each other;

wherein said center server implements said storing, said receiving the image specifying data, said determining, and said transmitting to said second client computer;

receiving the image specifying data and the orderer specifying data transmitted from said center server; and

giving notice of information regarding an image specified by the received image specifying data and of an orderer represented by the received orderer specifying data,

wherein said second client computer implements said receiving the image specifying data and the orderer specifying data transmitted from said center server and said giving notice of information.

17. (Previously presented) A method of controlling operation of a center server, comprising:

storing correspondence data in advance, the correspondence data representing which of a plurality of client computers for a laboratory is affiliated with a client computer of an orderer;

receiving data specifying an image and data specifying an orderer transmitted from a first client computer of the orderer;

determining, on the basis of the correspondence data, which one of the plurality of client computers for the laboratory is affiliated with the orderer specified by the orderer data received by said receiving unit; and

transmitting the received image specifying data and orderer specifying data to said one of the plurality of client computers for the laboratory in association with each other.

18. (Canceled).

19. (Previously presented) An image ordering system comprising:

a first client computer of an orderer;

a center server that communicates data with said first client computer,

wherein said center server comprises:

a memory for storing correspondence data in advance, the correspondence data representing which of a plurality of second client computers for a laboratory is affiliated with the first client computer of the orderer;

a first receiving unit for receiving image specifying data and orderer specifying data transmitted from said first client computer;

a determination unit for determining, on the basis of the correspondence data, which of the plurality of second client computers is affiliated with the orderer specified by the orderer data received by said first receiving unit; and

a second transmitting unit for transmitting the image specifying data and the orderer specifying data, which has been received by said first receiving unit, to one of said plurality of second client computers that has been determined by said determination unit.

20. (Previously presented) The image ordering system according to claim 19, wherein said first client computer comprises:

an input unit for inputting data that specifies an image to be printed; and

a first transmitting unit for transmitting, to said center server, the image specifying data that is input from said input unit and data specifying the orderer.

21. (Previously presented) The image ordering system according to claim 19, wherein said one of the plurality of second client computers comprises:

a second receiving unit for receiving the image specifying data and the orderer specifying data transmitted from said second transmitting unit of said center server; and

a first alerting unit for giving notice of information received by said second receiving unit,

wherein said information includes at least one of an image specified by the image specifying data and of an orderer represented by the orderer specifying data.

22. (Previously presented) An image ordering method for an image ordering system comprising a center server, a first client computer for an orderer and a plurality of second client computers for a laboratory that are capable of communicating data with one another, said image ordering method comprising:

transmitting data from said first client computer to said center server;

storing correspondence data in advance, wherein the correspondence data includes which of the plurality of second client computers is affiliated with the first client computer of the orderer;

receiving said data, at the center server, from said first client computer;

determining, on the basis of the correspondence data, which one of the plurality of second client computers is affiliated with the orderer specified by said data received by said first receiving unit;

transmitting said data from said center server to said one of the plurality of second client computers;

receiving said data transmitted from said center server at said one of the second client computers; and

giving notice of information specified by said data.

23. (Previously presented) The image ordering method according to claim 22, wherein said data comprises at least one of image specifying data and data specifying the orderer.

24. (Previously presented) The image ordering method according to claim 22, wherein said information comprises at least one of an image specified by said data and of an orderer represented said data.

25. (Previously presented) The image ordering system according to claim 1, wherein the correspondence data which represents which of the plurality of second client computers is affiliated with the first client computer of the orderer, comprises:

a management information database including at least one of a table of user names, a table of company names, a table of company - user link information, a table of company master - slave information, a table for setting system services, a table for setting printing services, an order table, a product table, and a table for specifying consignees.

26. (Previously presented) The image ordering system according to claim 25, wherein at least two of the table of company names, the table of company - user link information, the table of company master - slave information, the table for setting system services, the table for setting printing services, are linked to each other by company identification (ID) data.

27. (Previously presented) The image ordering system according to claim 25, wherein at least two of the table of user names, the table of company - user link information, and the order table are linked to each other by user identification (ID) data.

28. (Previously presented) The image ordering system according to claim 25, wherein the table for setting printing services and the order table are linked to each other by service identification (ID) data.

29. (Previously presented) The image ordering system according to claim 25, wherein the order table and the product table are linked to each other by product number data.

30. (Previously presented) The image ordering system according to claim 25, wherein the order table and the table for specifying consignees are linked to each other by consignee service identification (ID) data.

31. (Previously presented) The image ordering system according to claim 1, wherein the correspondence data which represents which of the plurality of second client computers is affiliated with the first client computer of the orderer, comprises:  
master - slave relationships between a plurality of first client computers for orderers and said plurality of second client computers for the laboratory.

32. (Previously presented) The image ordering system according to claim 31, wherein said master - slave relationships between a plurality of first client computers for orderers and said plurality of second client computers for the laboratory, comprise:

relationships between at least two of user name information, user identification information, company name information, company identification information, company - user link information, company master - slave information, system services information, printing services information, order tables, product tables, and consignee information.

33. (Previously presented) The image ordering system according to claim 1, wherein said determination unit determines, using the correspondence data, whether one of the plurality of second client computers is affiliated with the orderer specified by the orderer data received by said first receiving unit; and

wherein, if said determination unit determines, using the correspondence data, that one of the plurality of second client computers is affiliated with the orderer, then said second transmitting unit transmits the image specifying data and the orderer specifying data to said one of the plurality of second client computers determined to be affiliated with the orderer.



**EVIDENCE APPENDIX**

Not applicable.

**RELATED PROCEEDINGS APPENDIX**

Not applicable.